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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/766,982 | 01/29/2004 | George M. Brookner | 770-011483-US (PAR) | 4341 |
| 2512 | 7590 | 03/03/2006 | EXAMINER | |
| PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824 | | | NGUYEN, TAI T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2632 | |

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|--------------------------------------------|--|
| Office Action Summary | Application No. 10/766,982 | Applicant(s) BROOKNER, GEORGE M. | |
| | Examiner Tai T. Nguyen | Art Unit 2632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In paragraph 00038 of the detail description of the preferred embodiment disclosing memory (315) may provide storage for

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measurements acquired by the one or more sensors (330)". The description fails to disclose "to store information including product status data, identification data, and a product location" as claimed. It appears that the memory (315) only store therein "product information data" but not "status data".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (US 6,917,291) in view of Breed (US 2003/0227382).

Regarding claim 1, Allen discloses an RFID system comprising:

an RFID transceiver (figure 8);

a sensor system (figure 1) embedded in an end user product (col. 3, lines 11-20)

and operable to store information including identification data and product status (5, lines 26-48); and

an RFID interface (6) connected to the sensor system for transmitting the information stored therein in response to interrogation by the RFID transceiver (col. 5, lines 39-44).

Allen discloses the instant claimed invention except for the sensor system operable to store a product location. Breed teaches an RFID system (paragraph 30)

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including a memory unit, wherein the memory unit being operable to store product location (paragraphs 38, 40, and 65). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the memory unit as taught by Breed in the system as disclosed by Allen for the purpose of storing product location that will be included in a response signal transmitter from the sensor system to a remote location that enable an operator to track/monitor the location of the product.

Regarding claim 2, Information exchanging between two communication devices is well known in the art that used encrypted format for the purpose of preventing interferences and security purpose. Allen discloses the RFID transceiver and the RFID interface exchange the information in an encrypted format (col. 10, line 60 through col. 11, line 22).

Regarding claim 3, Allen discloses the RFID interface being a plurality of RFID interfaces, each being embedded in a plurality of product (10, figure 3). Allen discloses the instant claimed invention except for the RFID transceiver being operable to distinguish among and exchange information with individual one of the plurality of RFID interface. It would have been obvious in the art that each particular RFID tag/transponder carried its own identification code and each being operable to communicate with an RFID transceiver upon receiving an activation signal corresponding the its identification, thus, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to know that the RFID transceiver being able to distinguish among and exchange information with individual

one of the plurality of RFID tags upon sending activation signal to that particular tag in order to avoid interference or miss communication between plurality RFID tags.

Regarding claim 4, Allen discloses a back end host for analyzing information received by the RFID transceiver (figures 7-8).

Regarding claim 5, Allen discloses the back end host being operable to convey the information received by the RFID transceiver and the result of any analysis to another entity (figure 8, col. 11, lines 23-30).

Regarding claim 6, Allen discloses the instant claimed invention except for the information received by the RFID transceiver includes position information from a position location service. Breed teaches the RFID system including an RFID transceiver (44) received information responsive from an RFID tag (48), wherein the response information includes location information determines by a position location service (22, figures 2-3, col. paragraph 103). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the position location service as taught by Breed in the system as disclosed by Allen for the purpose of determining current location of the sensor system and proving location information to the RFID transceiver in order to enable operator to track/monitor the location of the product location whereabouts.

Regarding claims 7-12, the claimed method steps would have been inherent in the product structure as stated in claims 1-6 above.

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6. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen, as modified, as applied to claim 1 above, and further in view Gomez et al. (US 2005/0165784).

Regarding claim 13, Allen, as modified, discloses everything claimed except transmitted information being formatted as a two dimensional barcode capable of being scanned and authenticated as to the identity of the RFID interface. Gomez et al. teach the use of an identifier for an RFID using two dimensional barcode providing authentication (paragraphs 38 and 74). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the two dimensional barcode of Gomez et al. in the system of Allen, as modified, in order to provide associated product authentication with the proper user/customer.

Regarding claim 14, the claimed method steps would have been inherent in the product structure as stated in claim 13 above.

Response to Arguments

7. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'T. Nguyen', with a long horizontal flourish extending to the right.

February 25, 2006

Tai T. Nguyen
Examiner
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